

Civil Commitment: An Introduction



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Presentation Objectives

- General introduction of the basics of civil commitment
- General audience
- No prior experience or expertise with civil commitment is assumed
- Not a technical training

Training Caveat

- While most of the procedures and practices discussed here are generally accepted, there are variations in practice among the Probate Courts
- If your Judge tells you something different than I have, believe the Judge
- If the Probate Clerk tells you something different than the Judge, believe the Clerk

Civil Commitment Overview

- A person who presents a likelihood of serious harm to self or others as the result of a mental disorder or alcohol or drug abuse may be involuntarily detained for evaluation and treatment at a mental health or substance abuse treatment facility recognized by the Department of Mental Health.

Commitment Intervals

Mental Health

- 96 hours
- 21 day
- 90 day
- 1 year
- 180 day
outpatient

Substance Abuse

- 96 hours
- 30 day
- 90 day

96 Hour Commitment Types

- Probate Court
- Peace Officer Imminent Harm
- Facility-based Clinician Imminent Harm

96 Hour Commitment Types

- Probate Court Commitment
 - Filed by any adult person
 - Ordered by Probate Judge or Commissioner
 - Peace Officer (Sheriff) takes custody and transports to a recognized facility
 - Public facility shall provisionally accept
 - Private facility may provisionally accept
 - If accepted, facility evaluates and admits or releases the person

96 Hour Commitment Types

- **Peace Officer Imminent Harm Commitment**
 - Used when a person presents an imminent likelihood of serious harm as the result of a mental disorder or alcohol or drug abuse
 - A Peace Officer may complete the application, take custody and transport the person to a recognized facility
 - Facility may provisionally accept
 - If accepted, facility evaluates and admits or releases the person

96 Hour Commitment Types

- **Facility-Based Clinician Imminent Harm Commitment**
 - Used when a person at a recognized facility presents an imminent likelihood of serious harm as the result of a mental disorder or alcohol or drug abuse
 - The person may be detained by the appropriate professional designated by the facility and approved by the DMH

Commitment Beyond 96 Hours

- Can only be ordered by a Court after a hearing
- The person will be represented by an attorney
- If the person cannot afford an attorney, the Court will appoint an attorney to represent the person
- The attorney will represent the interest of the person

Commitment Beyond 96 Hours

- For mental health commitments beyond 96 hours, it must be proven that the person suffers from a *mental illness*, not a *mental disorder*, as is required for a 96 hour commitment
- The criteria for a substance abuse commitment remain the same

Commitment Definitions

Mental Disorder

- An organic, mental or emotional condition which substantially impairs a person's mental, volitional or emotional functioning and impairs a person's ability to participate in activities of normal living

Commitment Definitions

Mental Illness

- state of impaired mental processes resulting in a distortion of the capacity to recognize reality due to hallucinations, delusions, faulty perceptions or alterations of mood which interferes with the ability to reason, understand or exercise conscious control over actions.
- Mental Illness is **not**:
- (a) Mental retardation, developmental disability or narcolepsy;
- (b) Simple intoxication caused by substances such as alcohol or drugs;
- (c) Dependence upon or addiction to any substances such as alcohol or drugs;
- (d) Any other disorders such as senility, which are not of an actively psychotic nature;

Commitment Definitions

Alcohol abuse

- alcohol use which results in intoxication or dependency from continued use and, which dependency induces a mental, emotional or physical impairment and which causes socially dysfunctional behavior

Commitment Definitions

Drug abuse

- drug use without compelling medical reason, which results in mental, emotional or physical impairment and causes socially dysfunctional behavior, or in dependency resulting from continued use, which dependency induces a mental, emotional or physical impairment and causes socially dysfunctional behavior

Commitment Definitions

Likelihood of Serious Harm

- Includes:
 - Risk of harm to self
 - Risk of harm due to inability to meet basic needs
 - Risk of harm to others

Commitment Definitions

Likelihood of Serious Harm (cont)

- Does not require actual physical injury to have occurred
- May consider past patterns of behavior

Commitment Locations

- Treatment for those committed occurs on an inpatient/residential basis at a recognized mental health or substance abuse treatment facility, public or private
- Except that, for mental health, outpatient commitment is an option for a select group of individuals, after an initial inpatient commitment period

Recognized Facilities

- Mental health and substance abuse facility staff who execute commitments must be:
 - Designated by the head of the facility
 - Trained and approved by the DMH

Facility Designees: Mental Health

- **Mental health professional:**
 - Psychiatrist
 - Resident in psychiatry
 - Psychologist
 - Psychiatric nurse
 - Psychiatric social worker
- **Licensed physician**
- **Registered professional nurse**
- Note: Licensed Professional Counselors are **not** eligible to complete imminent harm applications for civil involuntary commitment.

Facility Designees: Substance Abuse

- All of the preceding, plus:
- Qualified Counselor
 - a person who provides substance abuse counseling and who meets the qualifications prescribed in the DMH standards for certification of alcohol and drug abuse programs

Access Crisis Intervention (ACI) System

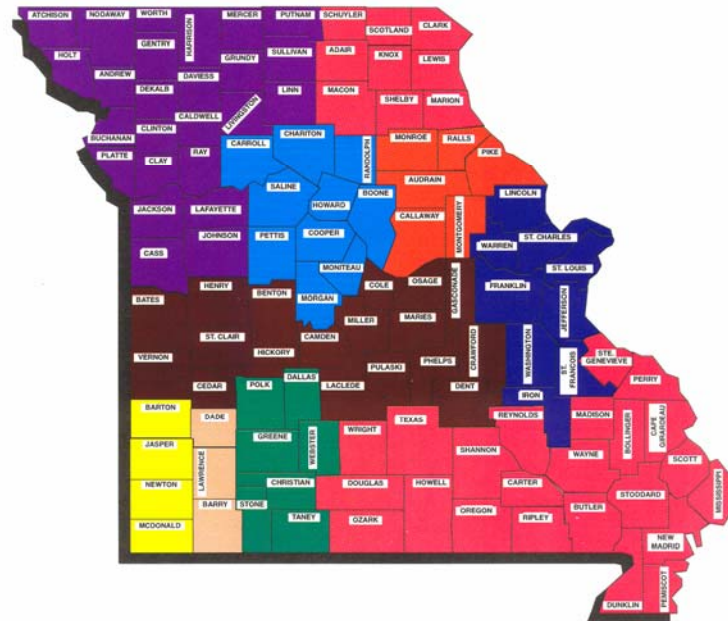
- The ACI is the state-wide 24-hour crisis intervention system provided in partnership between the DMH and local community providers
- ACIs are established regionally
- ACIs are accessed through toll-free numbers

Access Crisis Intervention (ACI) System

- The goal of the ACI is to assess and stabilize acute psychiatric substance abuse crises of individuals in the community and link individuals with services and supports
- ACIs provide crisis intervention over the phone and may schedule next day appointments, provide mobile response when clinically appropriate and safe to do so or call law enforcement for emergencies

Access Crisis Intervention (ACI) System

Statewide 24-Hour Crisis Hotlines



 Burrell ACI System 1/800-494-7355	 Ozark ACI Hotline 1/800-247-0661
 MOCARS ACI Hotline 1/800-356-5395	 Behavioral Health Response ACI Hotline 1/800-811-4760
 Comm Care ACI Hotline 1/888-279-8188	 Arthur Center ACI Hotline 1/800-833-2064
 University Behavioral Health 1/800-395-2132	 Pathways ACI Hotline 1/800-833-3915
 Clark Center ACI Hotline 1/800-801-4405	

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Community Mental Health Centers

- Also known as “Administrative Agents” of the DMH
- Local community mental health agencies who provide service in a designated region of the state or “Service Area”

Missouri Department of Mental Health Division of Comprehensive Psychiatric Services

ADA Community Facilities

- 96 hour commitments:
 - Social setting detoxification
 - Modified medical detoxification
 - DMH inpatient in Kansas City and St. Louis
- 30 & 90 day commitments:
 - ADA Primary Recover Plus services (formerly known as “residential programs”)

Guidelines for Completing Applications

- Must present evidence that supports both:
 - Mental Disorder Or Substance Abuse
 - Likelihood of Harm
- Must state facts and witnessed behaviors
- Hearsay is not acceptable; have the hearsay source complete an affidavit
- Must be notarized

Guidelines for Completing Affidavits

- Same cautions as with Applications

Guidelines for Completing The List of Witnesses

- Provide the names, addresses and phone numbers of prospective witnesses who executed an Affidavit, who may testify or who may have knowledge about the person referred for commitment
- Including someone on the List of Witnesses does not mean that person will have to complete an Affidavit or have to testify
- Anyone not on the List of Witnesses may not be allowed to provide testimony

Liability

- The law provides broad protections for those involved in the civil detention process who are acting in good faith and without gross negligence

Questions?